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**AUG 1 0 2006**

**OFFICE OF PETITIONS**

In re Application of Blackwood	:	
Application No. 10/766,397	:	Decision on Petition
Filing Date: January 23, 2004	:	
Attorney Docket No. bla00234.p.US1	:	

This is a decision on the petition under 37 CFR 1.137(b), filed May 8, 2006, to revive the above-identified application.

The petition is **granted**.

The above-identified application became abandoned for failure to reply in a timely manner to the final Office action mailed August 23, 2005, which set a shortened statutory period for reply of three (3) months. An extension of time under the provisions of 37 CFR 1.136(a) was not obtained. Accordingly, the above-identified application became abandoned on November 24, 2005. A Notice of Abandonment was mailed on March 7, 2006.

Petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b). Therefore, the petition is granted and the application is revived.

The petition is signed by S. Matthew Edwards. Edwards was not an attorney or agent of record at the time the application became abandoned. Therefore, it appears Edwards was not in a position to have firsthand or direct knowledge of the facts and circumstances of the delay. Nevertheless, the statement by Edwards that the entire delay was unintentional is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay.<sup>1</sup> In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that a portion of the delay from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

The Office notes Edwards has not been given a power of attorney. If Edwards wishes to continue to correspond with the Office, a power of attorney should be filed.

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<sup>1</sup> See *Changes to Patent Practice and Procedure*, 62 *Fed. Reg.* at 53160 and 53178; 1203 *Off. Gaz. Pat. Office* at 88 and 103 (responses to comments 64 and 109) (applicant obligated under 37 CFR 10.18 to inquire into the underlying facts and circumstances when providing the statement required by 37 CFR 1.137(b) to the Patent and Trademark Office).

Technology Center Art Unit 2872 will be informed of the instant decision and the application, including the papers filed May 8, 2006, will be further examined in due course.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

A handwritten signature in black ink, appearing to read 'Charles Brantley', with a stylized flourish at the end.

Charles Steven Brantley  
Senior Petitions Attorney  
Office of Petitions